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Ways must be sought to make rising teacher militancy benefit education rather than harm it. In this pursuit, State boards of education should (1) help school officials understand that a fundamental change is taking place in their employer-employee relationship, (2) consider whether they wish to support State laws forbidding collective negotiations or to press for laws permitting them, (3) develop advisory services for individual school districts, and (4) play leading roles in devising ways to meet the rising costs of education. All parties involved must be aware of other conflicting pressures such as parental demands for a larger voice in the education of their children. The period in which laws and authority could be relied upon to determine policy in the public schools is drawing to a close. Wishes of employers and employees must be tempered with reason so that the primary goal of educating children can take precedence over personal desire. (TT)

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COLLECTIVE NEGOTIATIONS IN THE PUBLIC SCHOOLS*

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Undoubtedly everyone makes a rash commitment from time to time. Certainly that was true of me when last summer I accepted an invitation from Mrs. Frieder, Chairman of your Board of Directors, to address this meeting today. There are two reasons for my misgivings. First is the fact that I look upon your organization with awe since you hold in your hands such enormous influence upon education in our Nation. But on this point I reflected that people with such power are usually also gracious toward their guests.

The second reason for my uneasiness is that I wonder whether my thoughts and observations on the complex subject of this meeting could possibly be of use and interest to you. You may be sure that I feel like anything but an expert even if I am far from home. It doesn't help either to know that in this audience are Chancellor Joseph McGovern and Carl Pforzheimer of the Board of Regents of the State of New York, my employers. My only reassurance here is that the subject of collective negotiations in public education is so new that we are all learners in it and therefore the experiences of any one of us at this stage might be of help to others.

May I begin by complimenting you on devoting your attention to this new development in education which already has had such an enormous impact and which will surely in the years ahead influence the course which education will take. Strong new winds are blowing across the educational scene. Not that the schools have been free of conflict in the past. Quite the opposite. Throughout our history there have been many forces pulling and hauling against each other.

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Taxpayers demanded economies. Parents demanded better education and more services. Countless individuals and organizations insisted that they held the true wisdom as to what constituted good education or demanded that the schools serve their particular purposes. But as far as teachers were concerned, the scene was relatively quiet. The rules by which the schools were operated stemmed from the authority of the law, the decisions of State and local education authorities and the orders of school administrators. In many districts teachers were consulted and involved in discussions but generally had no real say in the policies which were adopted.

A few years ago this tranquil picture began to change drastically and as we all know there has emerged a militancy on the part of teachers which has shaken the educational system to its foundations. Teacher organizations have become powerful and outspoken in voicing the demands of their members. State after state has enacted legislation permitting or requiring formalized negotiations between boards of education and their staffs. Teacher sanctions have been levied against communities and states. Teacher strikes have become almost commonplace.

Why this new militancy on the part of the formerly quiescent teachers? I think there are several reasons:

1. It is part of the unrest which is pervading all public employment. Thirty years ago employees in the <u>private sector</u> won their Magna Charta with the enactment of the NLRA. The right to collective bargaining which they earned was denied to <u>public employees</u> on the gounds that the right to bargain inevitably meant the right to strike and that society could not tolerate work stoppages in public services, because these are regarded as essential. In recent years public employees, including teachers, have been asking more insistently why they should be considered second class citizens. They were

encouraged by President Kennedy's Executive Order of January 1962, granting collective bargaining to Federal employees. Since then, State and local employee organizations have become recognized in more and more states and local government units.

2. A second reason for teachers' militancy is their feeling that they are professionals, that they know as well as or better than anyone else, how to teach children, and therefore their voices should be heard when educational policy is being formulated.

3. More men have entered the teaching profession. Generally they have families to support and they have felt very strongly the need for higher compensation to meet their own and their families' needs.

4. A bitter rivalry has emerged between important organizations representing teachers. For a long time the National Education Association and its counterparts at the state and local levels had little competition but in 1961 something very important happened to change the whole picture. In the City of New York the United Federation of Teachers, affiliated with the labor movement, won the right to bargain collectively for the teachers of the largest city of the Nation. The shock waves of this event have been flowing to the far corners of this country ever since, for suddenly it became apparent that the NEA was being seriously challenged by the American Federation of Teachers. Since then these organizations have vied with each other for the allegiance of teachers, each one stressing its ability to represent them with strength and effectiveness.

5. The costs of education have risen steadily. So also has the cost

> of other governmental services. The result has been higher taxes at all levels of government, accompanied by growing resistance on the part of taxpayers. Teachers have felt increasingly that if they were to secure what they feel is their fair share of available tax dollars, they must be organized and insistent. They quickly learned the lesson that where they could exert power they could secure results, and nothing succeeds like success.

Whether we like it or not, the concept of collective negotiations in education is spreading rapidly. There seems little question but that it will continue to flow toward those states and localities which may not yet have felt its full force and that collective negotiations between teachers and their employers will be the prevailing pattern everywhere, whether we wish it so or not.

The question before us then is whether and how this new development can be made to benefit education rather than harm it. Specifically, what can a state board of education do to influence the trend of events in a constructive way. Disclaiming any expertise, and mindful that the situation differs from state to state, may I nevertheless offer a few suggestions which have emerged from our experience in New York State. Possibly they will be useful in your deliberations.

First, state boards of education should help school officials understand what is happening. Most local board of education members and school administrators can hardly believe that a fundamental change in their relations with their employees is taking place. They are perplexed and often resentful that the old procedures do not seem to work any longer. If they are suddenly confronted with the unfamiliar experience of formalized negotiations, either because their employees are able to demand it or a law is passed to require it, they have not had the training and experience to know how to function. Teachers likewise are inexperienced in the

use of their new found organizational strength, and are often inclined to use it in unrestrained and irresponsible fashion.

The state board of education can perform a valuable service by helping the entire school community recognize the strong trend toward collective negotiations and begin to develop an understanding of the principles and techniques involved. In our State of New York we anticipated the enactment of a law mandating negotiations in public employment about two years before it was passed. We enlisted the help of the New York State School of Industrial and Labor Relations at Cornell University and sponsored regional conferences to which board members, school administrators and teacher leaders were invited. The conferences were exceptionally successful in bringing about a realization of the fact that collective negotiations seemed inevitable and in focusing attention on the basic principles involved.

The first series of regional conferences was followed by a second when the Taylor Law was actually before the Legislature. A third series followed the enactment of the law. Meanwhile, several publications were developed and distributed to help build better understanding throughout the school community. Perhaps the best of these was a booklet entitled: The Taylor Act, A Primer for School Personnel, by Oberer and others, Bulletin 59, New York State School of Industrial and Labor Relations, Cornell University, Ithaca, New York. It is our strong belief that all this careful preparation made it possible for the districts of the State to move fairly smoothly into the implementation of the law when it was enacted in 1967. Chaos at least was averted.

Second, the state board of education should consider what position it wishes to take with respect to the desirability of a state law regarding professional negotiations.

When I refer to a law I do not mean simply the prohibition against strikes in public employment which so many states already have on their books. This is a purely negative approach and is not likely to suffice for the needs of today and tomorrow. Our own State of New York is a good case in point.

We had a statute known as the Condon-Wadlin Law enacted in 1947, following a teachers' strike in Buffalo. It forbade strikes for all public employees and fixed severe penalties for violations. There was only one trouble with it. It could never be enforced because the very severity of the penalties made it impossible for any state or local official to levy them. In 1966, when transit workers in New York City brought the subways to a halt and the strike was finally ended, the Governor called the Legislature into special session to pass a law exempting the transit workers from the penalties of the Condon-Wadlin Act. Otherwise subways would not have resumed operation. At this point the Governor, recognizing that Condon-Wadlin was unworkable, appointed a Committee, headed by George W. Taylor, to devise a substitute proposal.

The Taylor Committee proposed and the Legislature adopted a new law which attempts a positive approach. It assures public employees the right to organize, to bargain with their employers, and if impasses arise, provides for mediation and fact-finding procedures. It continues to prohibit strikes and provides penalties for violations. The administration of the Taylor Law is vested in a new independent agency known as the Public Employment Relations Board or PERB.

As I see it the question facing us in most states is not whether to continue the simple negativism of the laws of the past. In public education the legitimacy of teacher aspirations makes it unwise and wrong to try simply to throttle them. Equally to the point, teachers have gathered such strength that it is no longer possible simply to suppress them even if we wished to do so. The question really is should a state enact a law which permits or perhaps even mandates the right of collective negotiations.

It is, of course, perfectly possible to refrain from enacting any law assuring the right of collective negotiations if there is not sufficient pressure from employee groups desiring it. If there is no law negotiations will take place only in those districts where teacher organizations are strong enough to force

it or boards of education are generous enough to grant it. But the very fact that in some districts teachers are granted this right makes it inevitable that discontent will be increased in districts which are denied it.

We are all aware that many people believe collective bargaining brings disagreement and strife and they believe that if collective bargaining can be avoided or prohibited, peace will reign. This is certainly not always true. When the discontent of employees is great enough and when they secure sufficient power, it may well be the denial of collective bargaining which brings the strife. Let us not forget that Martin Luther King was assassinated when he went to Memphis to support the efforts of the sanitation men to gain recognition of their union and the right to be represented by it.

It seems to me that when in any state the right to collective negotiations is won in a substantial number of districts, it would be wise to extend the right to all districts so that teachers have the feeling that fairness prevails. It would seem that the chances of peace and tranquility would thereby be enhanced.

If a law is thought to be desirable, the pattern devised by the Taylor Committee deserves careful study. It has many good features. It assures collective negotiations if employees wish it but does not require it unless they do. It permits a wide variety of arrangements according to local wishes. It provides a machinery for resolving disputes. It rules against work stoppages and prescribes penalties for violations. It vests administration in an independent board which spares the Commissioner of Education and the State Board of Regents the necessity of intervening in local disputes and taking disciplinary action against teachers which would cause strained relationships and thereby lessen the Regents' and the Commissioner's effectiveness as educational leaders.

We have operated only one year under the law and we consider that the experience thus far has been quite successful. Of the approximately 800 school districts in the State, about 600 have negotiated agreements. Aside from New York City,

where special conditions prevail, we have had only two strikes.

In all fairness, however, we must recognize that one reason why we have relative peace is that the State Legislature substantially increased the funds available to local districts this year to meet the costs of their settlements with their employees. We do not know whether similar peace will prevail next year and in the future if substantial increases in State aid are not forthcoming. The impasse resolution machinery worked reasonably well considering the newness of the law and the necessity to recruit a large number of mediators and fact finders. There were some problems resulting from the fact that for the most part they were inexperienced in education. We believe that when better trained and more experienced mediators and fact finders are available the workings of the impasse resolution machinery will be improved.

A third action which a state board of education can take is to develop advisory services for individual school districts. This is important whether or not a law is enacted because collective negotiations seem inevitable, at least in some districts where teacher groups are strong. The inexperience of school officials and of employee organization leaders makes them dependent on counsel and advice regarding such questions as:

How should the district organize for the negotiations process?

What should be the role of the board of education?

What should be the role of the superintendent?

What should be the scope of negotiations?

How can the district insure that granting teacher rights will not be used to inhibit educational progress?

What should be the place of middle management, principals and supervisors, in the administration of any agreement?

Etc., etc.

Obviously there are no simple answers available for these and the many other

questions which will come up, but the state board of education can and should be prepared to respond to requests for advice, and should even take the leadership in discussions which will lead to good practices. Hopefully, timely advice will minimize the likelihood of severe disputes arising because of inexperience or ineptitude.

Fourth, the state board of education should play a leading role in devising ways to meet the rising costs of education. There is no use denying the fact that collective negotiations result in increased costs. The financing of education in every state poses serious problems, often of crisis proportions. It seems obvious that local communities, ranging widely in tax resources, are less and less able to meet the rising costs. States must assume a substantial share of the burden. How to devise adequate and equitable state financial participation should have first priority with every state board of education.

Fifth, just as a state board of education must be concerned with the insistence of its employees for a greater voice, so also must they be aware that another and sometimes conflicting pressure is emerging. This is the demand of parents, especially in the ghettos of our large cities, for a greater voice in the education of their children. Both of these forces stem from the same source. Perhaps you can call it the American dream that every man deserves to be heard and to have a say regarding his own destiny and the matters which are close to his heart. Recent experience in New York City and in other large cities emphasize the difficulty of reconciling the rights of professional educators with the legitimate aspirations of people who feel that the schools should serve their children better than they have in the past.

Easy answers are not available but fundamental reevaluations of established practices will surely have to be made.

In summary, we have traveled far down a road which has no turning. We used

to rely on laws and authority to determine most policies in the public schools which the teachers were then expected to obey. That period is drawing to a close and with each passing year there is increasing involvement of teachers in the determination of policies which affect them.

We cannot turn back because the teachers won't let us and because it wouldn't be a good idea anyway. We know in our hearts that teachers have a right as other workers do to have a say about their own destinies. We also know that as professionals they have much to contribute in devising sound educational policies.

But while there is no turning back to unilateral authority, the road ahead can take one of at least two possible directions. One of these is the road of sheer conflict between opposing forces. This will take place if teachers through their new found strength in organization use their power only for selfish gain. Or boards of education can force this test of strength if they steadfastly adhere to their authority status of the past and refuse to meet their teachers half way in a sincere effort to agree on matters of mutual concern.

What is desperately needed is that both employers and employees realize that they must temper their own wishes with reasonableness, that the transcendent purpose of educating children must take precedence over their own personal desires.

There has never been a time when there was greater need for statesmanship on the part of all who occupy positions of responsibility in education. Surely no people in America hold positions of greater responsibility and influence than you who serve on state boards of education. May your strength and wisdom be equal to the task.

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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